

NPPF consultation: a summary

As part of its commitment to levelling up across the country (see [2022 Levelling Up White Paper](#) and the [Levelling-up and Regeneration Bill \(the Bill\)](#)), the Government is [consulting until 2 March 2023](#) on how it might develop new and revise current national planning policy to support its wider objectives. This includes a series of specific changes to the NPPF as well as a wider range of proposals on key issues, including the envisaged role for National Development Management Policies (NDMPs).

A fuller review of the NPPF was also announced, which is likely to take place following the implementation of the government's proposals for wider changes to the planning system, including the Levelling-up and Regeneration Bill.

Below is a high-level summary of the consultation to help you get a sense of some key proposals that are particularly relevant to neighbourhood planning and community engagement in the planning system.

1. Supporting neighbourhood planning

Boosting the status of neighbourhood plans

Currently, the NPPF protects neighbourhood plans from the presumption in favour of sustainable development in circumstances where a local planning authority's (LPA) local plan is out of date, by stating that "the adverse impacts of allowing development that conflicts with the neighbourhood plan is likely to significantly outweigh the benefits". However, this only applies if certain conditions are met. Where the conditions are met the relevant policies in a neighbourhood plan can still carry weight, despite the local plan being out of date.

The Government proposes to amend these conditions so that more neighbourhood plans can continue to carry weight in local planning decisions for longer. This includes extending the protections outlined above to neighbourhood plans that are up to 5 years old, instead of the current requirement of the plan being less than 2 years old.

The condition that requires the LPA to have at least a 3-year housing land supply and 45% of housing delivery over the past 3 years would also be removed, meaning that even neighbourhood plans in areas with low housing delivery and supply would benefit from this protection.

Additionally, even older neighbourhood plans will be more likely to benefit from increased protection as a result of proposals to remove the requirement for LPAs with an up-to-date local plan to continually provide a 5-year housing land supply. This is because they will not be subject to the presumption in favour of sustainable development as often as they currently are, as long as the local plan for their area is up to date (see section 4. below for more details).

Introducing a new neighbourhood planning tool

As part of the Levelling Up and Regeneration Bill, the Government plans to introduce a simplified version of neighbourhood plans called “neighbourhood priorities statements”. Although this consultation does not make any specific proposals in relation to this new tool, it does allude to it as a means for communities to “formally input into the preparation of local plans”. It is important to note that this won’t replace neighbourhood plans as we know them, it is just an alternative.

2. Introducing National Development Management Policies

As part the Levelling Up and Regeneration Bill and following further consultation, the Government plans to introduce a series of nationally set policies aimed at decision-making on planning applications. These National Development Management Policies (NDMPs) would be given the same statutory weight as local development plans in certain planning decisions and could be a material consideration (i.e. relevant and that need to be considered) in some other planning decisions.

Current development management policies in the NPPF are significant material considerations, but do not have any statutory status. The Government proposes to use these policies as the starting point for creating NDMPs and welcomes views on other topics that should be added. It is proposed that NDMPs are set out in a separate document to the NPPF. The NPPF would be refocused on principles for plan making and would continue to act as material consideration and not carry statutory weight.

It is proposed that NDMPs will not impinge on local policies for shaping development nor directing what land should be allocated for. New development plans would not be able to include policies which duplicate or are inconsistent with NDMPs, but proposals retain scope for LPAs and local communities to produce their own policies on distinctly local issues. Where there is a conflict between them and development plan policies when making a decision on planning applications, NDMPs would take precedence.

3. Simplifying local plan making

The Government proposes to simplify the tests of 'soundness' through which local plans are examined, so that they are no longer required to be 'justified'. They intend to do this to allow a more proportionate approach to local plan examination. Instead, local plan examination would assess whether the LPA's proposed targets meet needs so far as possible, taking account of other policies in the NPPF, and whether they are effective and deliverable.

Proposed changes also require LPAs to meet their objectively identified housing need "so far as possible", instead of the current requirement that this is met "as a minimum". The need for local plans to be informed by agreements with other authorities so that unmet need from neighbouring areas is accommodated would also be removed.

4. Assessing housing need and delivery

Updates to the housing land supply requirements

Currently, LPAs are required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing against their local housing requirement. When an LPA cannot demonstrate that they have identified such supply, its policies are considered out of date and the presumption in favour of sustainable development kicks in.

The Government is proposing that LPAs with a housing requirement in their local plan that is less than 5 years old (or that has been reviewed and found not to require updating) will no longer need to continually demonstrate a deliverable five-year housing land supply for their local plan to be considered up to date.

Updates to the Housing Delivery Test

The Housing Delivery Test currently measures the number of homes built within an LPA area against the number of homes required. If delivery of built homes is below 75% of the housing requirement over the previous 3 years, the local plan is considered out-of-date and the presumption in favour of sustainable development applies.

To avoid unfairly penalising LPAs where slow housing delivery results from developer behaviour, the Government proposes that permissions for housing development are counted in as part of the Housing Delivery Test, in addition to the number of homes delivered. This means that the presumption in favour of sustainable development would not apply as a consequence of under-delivery if an LPA can demonstrate that there are 'sufficient' deliverable permissions to meet its housing need requirement.

Adapting housing need figures to local circumstances

The Government aims to clarify when it is acceptable to bring forward a local plan that does not meet locally identified housing needs in full. This includes proposing that clear evidence of past over delivery (in terms of permissions) may be deducted from the total housing requirement in the new plan. Proposals also clarify that LPAs are not required to undertake Green Belt reviews in order to find land on which to meet housing need, and specify that if housing need can only be met by building at densities that would be significantly out of character with the area (taking account of design guides or codes), then this may justify them not meeting their housing need in full.

Further proposals clarify that the outcome of the [standard method for assessing local housing need](#) (the Government formula set out to identify the minimum number of homes expected to be planned for locally) is a non-mandatory, advisory starting point and that there may be exceptional circumstances relating to geographical and demographic local characteristics which justify an alternative approach to assessing housing need.

5. Affordable housing and housing market diversification

Supporting the role of community-led housing groups

Proposed NPPF changes encourage LPAs in rural areas to support development proposals from community-led housing groups. Views are sought on what further changes could facilitate community-led development of good-quality affordable homes, particularly on exception sites.

Giving more weight to social rent homes

The Government intends to make changes to the NPPF to clarify that LPAs need to give greater importance in planning to social rent homes, both when addressing their overall housing requirements and when making planning decisions to encourage more homes of this type. Views are sought on this proposal and so are suggestions on the best mechanisms to deliver it.

Encouraging the use of small sites

Initial views are sought on whether, and how, the NPPF could be strengthened to encourage greater use of small sites, particularly in urban areas to speed up housing delivery (particularly affordable housing) and help diversify the house building market.

6. Tackling slow build out and developer accountability

In response to concerns about the pace at which some sites with planning permissions are progressing, a series of measures are proposed, including NPPF changes clarifying

that delivery can be a material consideration in planning applications (meaning that applications proposing a slow delivery rate may be refused).

Views are also sought on ways to improve developer accountability to ensure that “bad developers cannot continue to play the planning system”. This includes the option of enabling LPAs to consider past irresponsible behaviour a material consideration when determining planning applications, or to decline to determine applications where the applicant has a demonstrable track record of past irresponsible behaviour.

7. Promoting beauty and design quality

Proposed changes to the NPPF confirm that the primary means of assessing and improving the design of development should be through the preparation of a design code in line with the National Model Design Code. In order to support effective enforcement of design guides and codes, further proposed changes state that LPAs should ensure relevant planning conditions refer to clear and accurate plans and drawings providing visual clarity about the design of the development and use of materials. The Government also recognises the important role of gentle densification via upward extension in achieving well designed places (particularly mansard roofs) and is proposing that this is better reflected in the NPPF.

8. Supporting a localist approach to onshore wind development

Currently, permission for wind energy development involving turbine(s) can only be granted through designation in the development plan. In order to better reflect views of local communities, proposals include giving LPAs the option to grant permission for this type of development through Local Development Orders, [Neighbourhood Development Orders and Community Right to Build Orders](#), provided it can be demonstrated that the planning impacts identified by the affected local community have been appropriately addressed and that the proposal has demonstrable community support.

9. Setting out a timeline for transitional arrangements

The fully reformed plan making system is set to be introduced in late 2024, following further consultation. In the meantime, the Government intends to update national policy in Spring 2023 to reflect proposed changes set out in the current consultation.

It is proposed that plan makers have until 30 June 2025 to submit their Local Plan, Neighbourhood Plan, and other local development plan document for examination under the existing legal framework. LPAs and community groups that do not meet this deadline will need to prepare plans under the new plan-making system. It is also specified that made neighbourhood plans prepared under the current system would continue to remain in force under the reformed system until they are replaced.

Locality is the national membership network supporting community organisations to be strong and successful.

Unlock the power of community with us

Locality | 33 Corsham Street, London N1 6DR | 0345 458 8336

locality.org.uk

Locality is the trading name of Locality (UK) a company limited by guarantee, registered in England no. 2787912 and a registered charity no. 1036460. ©Locality

The content of this guidance is for your general information and use only. It is subject to change without notice. Neither we nor any third parties provide any warranty or guarantee as to the accuracy, timeliness, performance, completeness or suitability of the information offered in this guidance for any particular purpose. You acknowledge that such information may contain inaccuracies or errors and we expressly exclude liability for any such inaccuracies or errors to the fullest extent permitted by law.

Your use of this guidance is entirely at your own risk, for which we shall not be liable. It shall be your own responsibility to ensure that this guidance meets your specific requirements.